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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA HARRINGTON,

Defendant.

CASE NO. 1:22-CR-00019-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

DATE: April 13, 2022
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

BACKGROUND

This case is set for a status conference on April 13, 2022. The parties stipulate to continue the matter to June 8, 2022 and to exclude time between April 13, 2022 and June 8, 2022.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on April 13, 2022.
2. By this stipulation, defendant now moves to continue the status conference until June 8, 2022, and to exclude time between April 13, 2022, and June 8, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case

1 includes investigative reports, surveillance footage, audio recordings, and more. This discovery
2 has been either produced directly to counsel and/or made available for inspection and copying.
3 The government anticipates providing some additional discovery consisting of additional body
4 camera and surveillance video footage in the next several weeks.

5 b) Counsel for defendant desires additional time consult with his client, review
6 discovery, conduct investigation of the charges, and to discuss potential resolution of the case
7 with the government.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him/her the reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) In addition to the public health concerns cited by the General Orders and
13 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
14 this case because Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of April 13, 2022 to June 8, 2022,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
20 because it results from a continuance granted by the Court at defendant's request on the basis of
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest
22 of the public and the defendant in a speedy trial.

23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
25 must commence.

26 IT IS SO STIPULATED.
27
28

1 Dated: March 29, 2022

PHILLIP A. TALBERT
United States Attorney

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3 /s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
Assistant United States Attorney

5 Dated: March 29, 2022

6 /s/ Serita Rios
Serita Rios
Counsel for Defendant
JOSHUA HARRINGTON

9 **ORDER**

10 IT IS SO ORDERED that the status conference is continued from April 13, 2022, to **June 8, 2022,**
11 **at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18 U.S.C. §
12 3161(h)(7)(A), B(iv).

13
14 IT IS SO ORDERED.

15 Dated: March 29, 2022

16 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE